

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7448**

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CHRISTOPHER RAMSEY,

Petitioner - Appellant,

v.

MICHAEL MCCALL, Warden,

Respondent - Appellee,

and

HENRY MCMASTER; SOUTH CAROLINA, THE STATE OF,

Respondents.

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Appeal from the United States District Court for the District of  
South Carolina, at Aiken. Henry F. Floyd, District Judge.  
(1:10-cv-01538-HFF)

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Submitted: April 26, 2012

Decided: May 10, 2012

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Before WILKINSON and KING, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Christopher Ramsey, Appellant Pro Se. Donald John Zelenka,  
Deputy Assistant Attorney General, Columbia, South Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Ramsey seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2006). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85.

We have independently reviewed the record and conclude that Ramsey has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We deny Ramsey's request for DNA testing at the Government's expense. We dispense with oral argument because the facts and

legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED